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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,830	09/23/2005	Curtis Frederick Giese	31116.00014.UTL1	1867

36183 7590 09/21/2006

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EXAMINER
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WINNER, TONY H

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/550,830

**Applicant(s)**

GIESE, CURTIS FREDERICK

**Examiner**

Tony H. Winner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 9/23/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 8, ~~13-21~~, and 24-31 is/are rejected.
- 7) ☒ Claim(s) 3-7, 9-11, 22 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 8, 16, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Couture (USPN. 5,842,710).

Couture discloses the bicycle towing device for towing a trailing bicycle behind a leading bicycle, comprising:

- a. a leading bicycle connection member (86) connectable to a leading bicycle;
- b. a trailing bicycle connection member (figure 1) having an upper frame connection member and a lower frame connection member, said lower frame connection member being connectable to a front fork of the trailing bicycle and said upper frame connection member being connectable to a portion of the trailing bicycle above said front fork; and
- d. a tow bar (80) interconnecting said leading bicycle connection member to said trailing bicycle connection member.

With regard to claims 2, 8, 16, and 17 Couture discloses all of the claimed limitations.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-14, 18021, 26-28, and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Couture in view of Cobb, Jr. (USPN. 5,641,173).

With regard to claim 18, Couture is disclosed above but lacks the teaching of a bi-directional joint that connected to the first clamp.

Cobb teaches a towing device for a cycling trailer using a latching universal joint (bi-directional joint) for providing the cycling with greater articulation between the cycling and trailing vehicle.

Based on the teaching of Cobb, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the towing device of Couture to include the latching universal joint of Cobb so as to provide greater range of articulation between the cycling and the trailing vehicle.

The same logic of rejection above is also applied to claims 12-14.

With regard to claims 19-21, 24, 26-28, and 30-31, Couture as modified by Cobb discloses all of the claimed limitations.

Couture as modified by Cobb discloses the claimed invention except for the use of interchangeable insert that provides a gripping surface for the gripping the leading

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bicycle. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use any suitable inserts for the clamping device so as to provide better fitting between two mating components/structure, since the insert material are well known for their use in the coupling/mating art and the selection of any of these known equivalent inserts would be within the level of ordinary skill in the art.

### ***Allowable Subject Matter***

3. Claims 3-7, 9-11, and 22-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***


4. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Anthony H. Winner whose telephone number is (571) 272-6654. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:30 pm. The fax phone number for the organization where this application or proceeding is (571) 273-8300.

5. Information regarding the status of an application may be obtained from the Patent Application Information-Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

6. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6584.

  
**TONY WINNER**  
**PATENT EXAMINER**

September 17, 2006